



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/631,920      | 07/30/2003  | Kenneth J. Onion     | KSW 322             | 9614             |

23581 7590 08/04/2004

KOLISCH HARTWELL, P.C.  
520 S.W. YAMHILL STREET  
SUITE 200  
PORTLAND, OR 97204

EXAMINER

PAYER, HWEI SIU CHOU

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3724

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,920

Applicant(s)

ONION ET AL. *On*

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 3-6,11-14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-30-2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## Detailed Action

### Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7-9 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gilbert (U.S. Patent No. 3,829,967).

Gilbert discloses knife (1) comprising a handle (2) including a first side (5), a second side (6), the first side (5) movably coupled to the second side (6); a blade (3) removably secured to the handle (2) and rotatable about a pivot point between an open position and a closed position (see column 3, lines 13-17); a manually-releasable fastening device (7) disposed on the handle (2) adapted to secure the first side (5) to the second side (6) and to secured the blade (3) to the handle (2); and a connector (17/18) for releasably coupling the first side (5) and the second side (6) as claimed.

3. Claims 1, 2, 7-10, 15, 16 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gilbert (U.S. Patent No. 3,829,967).

Gilbert discloses knife (20) comprising a handle (21) including a first side (25), a second side (24), the first side (25) movably coupled to the second side (24); a

blade (22) removably secured to the handle (21) and rotatable about a pivot point between an open position and a closed position (see column 3, lines 57-61); a manually-releasable fastening device (27) disposed on the handle (21) adapted to secure the first side (25) to the second side (24) and to secured the blade (22) to the handle (21); and a connector (26) for releasably coupling the first side (25) and the second side (24) as claimed.

4. Claims 1-2, 7-10 and 15-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Phelps (U.S. Patent No. 4,408,394).

Phelps discloses knife (10) comprising a handle (12) including a first side (18), a second side (38), the first side (18) movably coupled to the second side (38); a blade (14) removably secured to the handle (12) and rotatable about a pivot point between an open position (Fig.1) and a closed position (Fig.4); a manually-releasable fastening device (26) disposed on the handle (12) adapted to secure the first side (18) to the second side (38) and to secured the blade (14) to the handle (12); and a connector (30) for releasably coupling the first side (18) and the second side (38) as claimed.

### **Indication of Allowable Subject Matter**

Claims 3-6, 11-14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Prior Art Citations**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gilbert, Wonderley and Ford are cited as art of interest.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Application/Control Number: 10/631,920

Page 5

Art Unit: 3724

H Payer  
July 31, 2004

*H Payer*

**Hwei-Siu Payer  
Primary Examiner**